

COUNTY COUNCIL  
OF  
HARFORD COUNTY, MARYLAND

BILL NO. 84-32Introduced by Council Members Fielder and HutchinsLegislative Day No. 84-15 Date May 15, 1984

AN ACT to repeal and re-enact, with Amendments, Sections 6-25. (a) (15), and 6-36., of Article VII, heading, Community Antenna Television and to add new Section 6-44.3., to said Article, all of Chapter 6, heading, Businesses, of the Harford County Code, as amended; to provide for increasing franchise fee paid by cable television companies; to provide for cable television rate increases subject to review and approval by the granting authority (County Council); to provide for violations and penalties for theft of service from cable television companies; and to provide generally for cable television.

By the Council, May 15, 1984

Introduced, read first time, ordered posted and public hearing scheduled

on: June 12, 1984at: 7:00 P.M.By Order: Angela Markowski, Secretary

## PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on June 12, 1984 and concluded on June 12, 1984.

Angela Markowski, Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

1 Section 1. *Be It Enacted By The County Council of Harford County,*  
2 *Maryland,* that Sections 6-25.(a) (15) and 6-36., of Article VII,  
3 heading, Community Antenna Television, be and are hereby repealed  
4 and re-enacted with amendments, and that new Section 6-44.3, be and  
5 is hereby added to said Article, all of Chapter 6, heading,  
6 Businesses, of the Harford County Code as amended, all to read as  
7 follows:

8 Chapter 6. Businesses.

9 Article VII. Community Antenna Television.

10 Section 6-25. Definitions.

11 (a) Except where, by the context, it is clear that a  
12 different meaning is intended, the following words and expressions  
13 shall have the following meanings:

14 (15) "Gross Subscribers Revenues" shall mean only those  
15 revenues derived from the monthly service charge fees paid by  
16 subscribers for regular cable television, including the  
17 transmission of broadcast signals and access and origination  
18 channels, if any [.] , AND PREMIUM OR PAY TELEVISION CHANNELS.  
19 [a]As specified by the Federal Communications Commission (FCC),  
20 gross subscriber revenues shall not include any revenues derived  
21 from reimbursement of expenses in the operation of any access  
22 channels, advertising, leasing of cable channels, programs for  
23 which per-channel or per-program charges are made, furnishing  
24 other communications and non-broadcast services either directly  
25 or as a carrier for another party or any other income derived from  
26 the system.

27 Section 6-36. Rates.

28 (a) In the event that the company seeks to increase ITS BASIC  
29 CABLE TELEVISION RATES IN ANY AMOUNT GREATER THAN TEN PERCENT (10%)  
30 EACH YEAR, ANY SUCH INCREASE SHALL BE SUBJECT TO APPROVAL OF THE  
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1 GRANTING AUTHORITY, PROVIDED, HOWEVER, THAT ANY FEE PAID TO THE  
2 COUNTY OR IMPOSED BY ANY GOVERNMENTAL ENTITY ON CABLE TELEVISION  
3 SERVICE, AS WELL AS ANY COPYRIGHT FEES, MAY BE PASSED ON TO THE  
4 SUBSCRIBERS WITHOUT ANY REGARD TO THE TEN PERCENT (10%) LIMITATION  
5 HEREIN PROVIDED. [a]Any rate or fee, INCREASE GREATER THAN TEN  
6 PERCENT (10%) EACH YEAR, THE COMPANY [it] shall file a written  
7 request specifying the justification thereof, and the granting  
8 authority shall rule on each such request within one hundred fifty  
9 (150) days from the date of the company's filing or within thirty  
10 (30) days after the filing of additional supporting data, as  
11 requested by the granting authority, whichever date is later. No  
12 increase charged to subscribers shall be made until the conclusion  
13 of an appropriate public proceeding affording due process.  
14 [However, the company may add to the monthly service charges  
15 specified taxes or fees, including copyright fees, imposed by  
16 federal, state or local government or legislative bodies.] This  
17 section does not apply to a rate or fee regulated or pre-empted  
18 by the Federal Communications Commission and a change caused  
19 solely by an increase in a vendor's charge to the company.

20 (b) In order to provide service to areas which have fewer  
21 than thirty-five (35) subscribers per mile, the company may add a  
22 surcharge on the installation fee for this service based on a  
23 contribution in aid of construction formula. This formula is  
24 subject to approval of the granting authority after an appropriate  
25 public proceeding affording due process. Any change in the formula  
26 is subject to the provisions of Subsection (a) of this section.

27 (c) No charge shall be made for a period of five (5) years  
28 from the commencement of cable television service to the county for  
29 the use of the county channel or to the school system for use of  
30 its channel. In addition, the company will provide one (1)

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1 noncommercial public channel without charge, except as may be  
2 permitted by the Federal Communications Commission, to county  
3 residents. Additional channels, made available on a public access  
4 basis, may be leased by the company.

5 SECTION. 6-44.3. THEFT OF SERVICE.

6 (a) AS USED IN THIS SECTION, "COMMUNITY ANTENNA TELEVISION  
7 (CATV) SYSTEM", IN ADDITION TO ITS DEFINITION AS PROVIDED IN THIS  
8 ARTICLE, SHALL INCLUDE, THE PROVISIONS OF ANY OTHER IMPULSE OR  
9 SIGNAL BY A CABLE TELEVISION COMPANY OR OTHER SERVICE LAWFULLY  
10 PROVIDED UTILIZING THE FACILITIES OF THE SYSTEM AS WELL AS THE  
11 COMPANY AND ANY OTHER PERSON OR ENTITY LAWFULLY PROVIDING ANY  
12 SERVICES WHATSOEVER UTILIZING THE FACILITIES OF THE SYSTEM.

13 (b) ANY PERSON WHO WILLFULLY OR MALICIOUSLY DAMAGES OR CAUSES  
14 TO BE DAMAGED ANY WIRE, CABLE, CONDUIT, APPARATUS OR EQUIPMENT OF  
15 A CABLE TELEVISION COMPANY OPERATING A COMMUNITY ANTENNA TELEVISION  
16 (CATV) SYSTEM, OR COMMITS ANY ACT WITH INTENT TO CAUSE SUCH DAMAGE,  
17 OR WHO TAPS, TAMPERS WITH OR CONNECTS ANY WIRE OR DEVICE TO ANY  
18 WIRE, CABLE, CONDUIT, APPARATUS OR EQUIPMENT OF A CABLE TELEVISION  
19 COMPANY WITH INTENT TO OBTAIN CABLE TELEVISION SERVICE WITHOUT  
20 AUTHORIZATION OR COMPENSATION OR TO OTHERWISE DEFRAUD, SHALL BE  
21 GUILTY OF A MISDEMEANOR.

22 (c) THE EXISTENCE OF ANY OF THE CONDITIONS WITH REFERENCE  
23 TO WIRES, CABLES, CONDUITS, APPARATUS OR EQUIPMENT DESCRIBED IN  
24 SUBSECTION (b) IS PRESUMPTIVE EVIDENCE THAT THE PERSON TO WHOM A  
25 CABLE TELEVISION SERVICE IS AT THE TIME BEING FURNISHED HAS, WITH  
26 INTENT TO OBTAIN CABLE TELEVISION SERVICE WITHOUT AUTHORIZATION OR  
27 COMPENSATION OR TO OTHERWISE DEFRAUD, CREATED OR CAUSED TO BE  
28 CREATED THE CONDITION SO EXISTING.

29 (d) THE PENALTY FOR ANY PERSON CONVICTED UNDER THIS SECTION  
30 SHALL BE FINED UP TO FIVE HUNDRED DOLLARS (\$500.00) OR A JAIL TERM  
31 OF UP TO NINETY (90) DAYS, OR BOTH.

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1 Section 2. *And Be It Further Enacted*, that this Act shall take  
2 effect sixty (60) calendar days from the date it becomes law.

3 EFFECTIVE: September 10, 1984

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*The Secretary of the Council does hereby  
certify that fifteen (15) copies of this Bill  
are immediately available for distribution to  
the public and the press.*

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*Angela Markowski*, Secretary

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84-32

BY THE COUNCIL

BILL NO. 84-32

Read the third time.

Passed LSD 84-19 (June 12, 1984)

Failed of Passage \_\_\_\_\_

By order

Angela Markowski, Secretary

Sealed with the County Seal and presented to the County Executive  
for his approval this 13th day of June, 1984  
at 3:00 o'clock P.M.



Angela Markowski, Secretary

BY THE EXECUTIVE

APPROVED;

County Executive

Date

Vetoed in toto this fifth day of July 1984 in accordance with Section 311 of the Charter of Harford County, Maryland.

County Executive

BY THE COUNCIL

This Bill, having been passed by the yeas of at least five  
(5) members of the Council notwithstanding the objections of the  
Executive, becomes law on July 10, 1984.

Angela Markowski, Secretary

EFFECTIVE DATE: September 10, 1984

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